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**TO: Economic Support Supervisors
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**FROM: Amy Mendel-Clemens
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BWP/BIMA OPERATIONS MEMO

No.: 02-65
File: 2810
Date: 12/3/2002

Non W-2 ☒ W-2 ☐ CC ☐

PRIORITY: Medium

**SUBJECT: Food Stamp Program - Temporary Absence and Determining
Residency for Inclusion in a Food Stamp Household**

CROSS REFERENCE: Food Stamp Handbook Appendix Chapter 09.03.00

EFFECTIVE DATE: January 1, 2003

PURPOSE

This memo changes and clarifies Wisconsin's Food Stamp (FS) Program policies for situations involving household members who are temporarily absent, and parents who have joint custody and/or shared physical placement of their children.

BACKGROUND

Under current FS policies, agency discretion has been allowed in many situations involving temporary absence and determining residency for inclusion in a food stamp household. As long as individuals did not receive FS benefits in more than one household for any given month, most living arrangements allowed them to qualify non-financially for benefits.

These new policies are being implemented according to federal policy guidelines and proper notification requirements.

PROCEDURE

Apply the new policies at any certification (Application) or Re-certification (Review) on or after January 1, 2003

POLICYTEMPORARY ABSENCE

Old Policy: Appendix: 09.03.00 Temporary Absence

Include a temporarily absent person in the food unit. Examples of temporary absence are:

- Hospitalization.
- Employment (for example, truck driver).
- Visits.
- Attending a public educational institution or specialized school such as schools for the blind or deaf. This applies only when the parent continues to exercise care and control of the student.

New Policy: Include in the food unit an individual temporarily absent from the household when the expected absence is no longer than 2 full consecutive calendar months past the month of departure. Some examples are absence due to illness or hospitalization, employment, and visits.

To be considered temporarily absent, one must meet ALL of the following conditions:

1. The individual must have resided with the food unit immediately before the absence,
2. The individual intends to return to the home, and the food unit must maintain the home for him/her,
3. If the absent person is a child, the caregiver of the absent child is responsible for the child's care and control when the child returns to the home, and
4. If the absent person is an adult, the adult must still be responsible for care and control of the child during their absence.

Attending school - Persons temporarily absent to attend a school will no longer be a reason to remain included in the FS AG.

Huber Law - The policy regarding Huber Law prisoners has not changed. See Food Stamp Handbook Appendix 09.03.02.

Example: Karley's resides with and receives FS with her mother. Karley attends school in Oregon. Her last day of school is June 3rd. On June 6th, it is reported that she is going to stay with her father in Madison for the summer. She'll be returning to her mother's home on August 15th.

The month of departure is June. Since she is only absent for 1 calendar month (July), she is considered temporarily absent from her mother's FS case. She will not be out of the home longer than 2 full consecutive months.

Example: Karley's last day of school is May 24th. Her mother reports Karley will be leaving that day to spend the summer with her father. She is expected to return to her mother's residence on August, 1st. Karley will be absent from her mother's home for 2 consecutive calendar months (June and July) so would not be considered temporarily absent. She should be removed from her mother's FS case effective July and added back to the FS case, following person add policy, when she returns.

Example: Emmy and Taylor currently live with and receive food stamps with their mother. They go to stay with their aunt in Arizona. They leave June 15th. They don't plan on returning until October. They will be out of the home more than 2 full consecutive calendar months and would not be considered temporarily absent from their mother's FS case.

DETERMINING RESIDENCY FOR INCLUSION IN A FOOD STAMP HOUSEHOLD

Old Policy: There was no prior policy on this subject.

New Policy: Children are included in the food unit where they reside when they are under the care and control of a parent or other caretaker in that food unit. There may be situations when the residence of a child is not easily determined. There are many methods that can be used to determine residence. If the residence of the child is questionable, court documents can be used to determine if there is a primary caretaker designated. It may be a situation of joint custody and a 50-50 custody split. If one parent isn't designated as primary caretaker, the parents can be asked to decide. Individuals can only be included in one food unit.

If the parents can't/won't agree, compare the parents' activities and responsibilities against the following list and determine which one is exercising more control than the other:

1. If the parents reside in different school districts, where does the child attend school? Who selected the school?
2. Who assists the child with homework or school-related tasks?
3. Are there tuition costs for the child's education? If so, who pays those costs?
4. If the child is enrolled in day care, who arranges for and pays these costs?
5. Who is responsible for taking the child to and from school and/or day care?
6. Which parent is listed as the contact for emergencies at the child's school or day care provider?
7. Who arranges medical and dental care for the child? Who selects the physician and dentist?
8. Who maintains the child's medical records?
9. Who initiates decisions regarding the child's future?
10. Who responds to medical or law enforcement emergencies involving the child?
11. Who spends money on food or clothing for the child when the child visits the absent parent?

12. Who disciplines the child?
13. Who plays with the child and arranges for entertainment?
14. Are more of the child's toys, clothing, etc. kept at one parent's home than the other's?

Only one parent can receive FS for a child. If you still can't determine which household the child should be in, the caretaker that first applies would be eligible. Use the best information available to make your decision, and document in case comments the basis of your determination. If you still can't decide call the CARES call center.

Example: Holly lives with her mother in Gleason. She attends school in her mother's district and her mother maintains a home for her. She visits dad on the weekends. Dad is receiving FS. Holly is considered as "residing" with her mother. Her father can not include her in his FS group.

Example: Fran (mom) has legal custody of Clarence. However, Clarence resides with grandma, and occasionally visits mom. Clarence is considered "residing" with grandma and would be included in Grandma's FS if she applied. Clarence would not be included in Mom's FS case since he is residing with Grandma.

Example: Mary and Rich have joint/shared custody of Ryan. He spends days with Rich because Mary works days, and nights with Mary because Rich works nights. However, Mary maintains a home for Ryan, he attends school in mom's district, and she provides for most of his needs. Ryan is considered "residing" with Mary, and can receive FS with her. Ryan would not be included in Rich's FS group since he is residing with Mary.

Example: Pam and Paul have 50/50 shared custody of Emily. Neither is designated as primary caretaker. They do not agree on who exercises more control over Emily. They both have Emily for 3 ½ days per week. They live in the same school district, both are contacted in an emergency, etc. Paul comes in to the agency to apply for FS first. Emily would be included in Paul's FS AG.

OTHER PROGRAMS

This Operations Memo addresses the policy as it relates to the food stamp program. Refer to the specific manual as it applies to the other programs.

CONTACTS

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Note: Email contacts are preferred. Thank you.

DHFS/DHCF/BIMA/JB